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OFFICE OF PETITIONS

In re Patent No. 6,391,080 :
Issue Date: May 21, 2002 :
Application No. 09/705,257 :
Filed: November 2, 2000 :
For: PHOSPHATE, PHOSPHATIC
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ON PETITION

This is a decision on the petition under 37 CFR 1.378(c), filed May 23, 2012, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks items (2) and (3) above.

The above petition is dismissed because applicant's check submitted on May 21, 2012, bounced because of insufficient funds in applicant's account.

A petition under 37 CFR 1.378(c) must be filed within twenty-four months after the six month grace period specified in 35 USC 41(b). The patent issued on May 21, 2002. The six month grace period for the 7 1/2 year maintenance fee expired at midnight on May 21, 2010. Accordingly, an acceptable unintentional petition to reinstate the instant patent (**with appropriate fees**) must have been submitted no later than May 21, 2012. **Therefore, the instant patent will not be reinstated under the unintentional provisions of 37 CFR 1.378(c).**

Patentee may wish to pursue reinstatement of the patent under the unavoidable provisions of 37 CFR 1.378(b). A petition to accept the delayed payment of a maintenance fee under 35 USC 41(c) and 37 CFR 1.378(b) must be accompanied by (1) an adequate, verified showing that the delay was unavoidable, since reasonable care was taken to insure that the maintenance fee would be paid timely and that the

petition was filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent, (2) payment of the appropriate maintenance fee, unless previously submitted, and (3) payment of the surcharge set forth in 37 CFR 1.20(i)(1).

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail: Mail Stop PETITIONS
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By internet: EFS-Web
 www.uspto.gov/ebc/efs_help.html
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 Patent Electronic Business Center
 at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

Cc:

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